

Appeal from decision of the Wyoming State Office, Bureau of Land Management, rejecting oil and gas lease offer W 76655.

Affirmed.

1. Oil and Gas Leases: Applications: Generally -- Oil and Gas Leases: Lands Subject to

A noncompetitive over-the-counter oil and gas lease offer is properly rejected where the subject lands were previously held in oil and gas leases which expired, and they have not subsequently been posted by BLM as available for simultaneous noncompetitive offers.

APPEARANCES: Robert C. Rood, pro se.

OPINION BY ADMINISTRATIVE JUDGE LEWIS

Robert C. Rood appeals from a decision dated September 1, 1981, by the Wyoming State Office, Bureau of Land Management (BLM), rejecting oil and gas lease offer W 76655.

Appellant's noncompetitive offer was filed on August 20, 1981, requesting the E 1/2 of sec. 14, T. 27 N., R. 115 W., sixth principal meridian, Wyoming.

BLM's original decision was limited to the conclusion that the land sought could be leased only under the simultaneous filing system. In a supplemental decision, BLM thus amplified the reasons for rejecting the offer:

The E 1/2, Section 14, T. 27 N., R. 115 W., 6th Principal Meridian, Wyoming, was previously leased under lease number W 0262377 which issued effective August 1, 1963. The lease then expired July 31, 1973, and was to be put on the simultaneous list. However, the District Manager in Rock Springs (and the Geological Survey concurred) reported that the lands could not be leased for recreational and wildlife habitat reasons. Our oil and gas plat was noted to that effect.

The decision pointed out that under 43 CFR Subpart 3112, Simultaneous Filings, lands covered by leases which had expired could be leased only under the simultaneous leasing system. ^{1/}

Appellant asserts that the lease should issue because the parcel was isolated and his application was filed before the lands were made available for listing on the simultaneous list.

[1] Appellant's lease offer was rejected because BLM found that the land had previously been leased for oil and gas and thus could only be made available for leasing again through the system of simultaneous filings. It is only after BLM has posted such lands to a simultaneous list that they could again become subject to the filing of over-the-counter lease offers. Jack E. Lea, 49 IBLA 358 (1980). As the decision in the case before us points out, BLM has not yet posted the lands as open to simultaneous offers. Therefore, appellant's over-the-counter offer is premature and was properly rejected. Charles H. Whitlock, 57 IBLA 252 (1981).

Accordingly, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Anne Poindexter Lewis
Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

Douglas E. Henriques
Administrative Judge

^{1/} 43 CFR 3112.1-1 states:

"§ 3112.1-1 Availability of lands.

"All lands which are not within a known geological structure of a producing oil or gas field and are covered by canceled or relinquished leases, leases which automatically terminate for non-payment of rental pursuant to 30 U.S.C. 188, or leases which expire by operation of law at the end of their primary or extended terms are subject to leasing only in accordance with this subpart. Other lands which are not within a known geological structure of a producing oil or gas field may be leased in accordance with this subpart."

